

**CALL TO ORDER**

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

**FLAG SALUTE**

**ROLL CALL** - Present: Matt Severino, William Bischoff, Patricia Dziubek, Frank Mazza

Absent: Rob Haynes

Others Present: J. Peter Jost, Esq., John Reymann, Twp. Engineer, Ella M. Ruta, Township Clerk.

**APPROVAL OF MINUTES**

- a. Regular and Executive Session Meeting Minutes I and II of September 17, 2008.

Mr. Bischoff made a motion to approve Regular Meeting Minutes of September 17, 2008. Mrs. Dziubek seconded the motion. Vote – Ayes; Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

Mr. Bischoff made the following amendments to the Executive Session Minutes II: instead of “met all conditions,” it should read, “met most of conditions” and instead of “the money should be received soon” it should read, “he is hoping the money would be received soon”

Mr. Bischoff made a motion to approve Executive Session Minutes I and Executive Session II with above stated amendments. Mrs. Dziubek seconded the motion. Vote – Ayes; Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

**VISITORS** - none**REPORTS RECEIVED**

- a. Road Dept.- Week Ending 08/29/08; 09/05/08

Mrs. Dziubek questioned expenditure of \$2,900.00 for repairs on 1989 truck to get it through inspection. She was of the opinion that it is not a good practice to spend taxpayer’s money on such old vehicles. Clerk was directed to contact Mr. Hermann, Rd. Dept. Foreman, to provide an inventory report of all municipal equipment. The report should contain overall assessment of the equipment, its life expectancy and mileage of vehicles, etc.

- b. Tax Collector – September 2008

Mrs. Dziubek requested that the Tax Collector provide the dollar amount of delinquent taxes in his monthly report. Clerk was directed to pass on the request to Mr. Early, Tax Collector.

- c. Environmental Commission – Mr. Harclerode mentioned the following:

- Asked the Township Committee for funds to reduce train noise at the crossings. Two options were presented. The first would be approximately \$50,000.00 and the second about \$100,000.00. He said

## MINUTES OF REGULAR MEETING October 1, 2008

he is not aware of any grants available for such project. It was the Committee's opinion that no funds are available presently or in the foreseeable future.

- The group working on road noise reduction has expanded with additional municipalities joining. The name has been changed to the Road Noise Group.
- Briefly discussed was the compliance with state regulations regarding Stormwater Management requirements.

Mrs. Dziubek asked if the Environmental Commission is familiar with setting the alarm system at the Municipal Building. Mayor Mazza said that there had been problems with the alarm recently.

**CORRESPONDENCE**Mr. Bischoff mentioned the following:

- A letter from the HC Planning Board regarding County Farmland Preservation Program. Mrs. DiRoberto, member of the Agriculture Advisory Committee, had talked to the County about this matter.
- A letter about the Governor's Ethic Package from the N.J. League of Municipalities.
- A letter from the League of Municipalities concerning Rural Policing Local Mandate Case with a sample letter for municipalities to modify and send to key decision makers. Mr. Bischoff recommended that the sample letter be modified and sent to the Governor and key decision makers. Mr. Bischoff also proposed that the sample letter with names, telephone numbers and email addresses be posted on the township website for residents to write letters of protest.
- Concerning the rural policing services lawsuit, Mr. Bischoff asked if Union Township was one of the plaintiffs. Mr. Jost responded that Union Township was not a plaintiff and that most of the plaintiffs were from South Jersey, however, any decision would affect all 89 New Jersey Municipalities.

Mr. Severino mentioned the following:

- The September 30, 2008 meeting regarding the County's Wastewater Management Plan has been rescheduled to October 27, 2008.

Mrs. Dziubek mentioned the following:

- No Further Action letter has not been signed by Hovnanian. Mr. Bischoff will call tomorrow.

Mr. Mazza mentioned the following:

- Received two disks from the Highlands Council containing: Highlands Regional Master Plans, 15 Technical Reports, Plan conformance Guidelines, RMP Update Requirements, Municipal Map Series and Regional Atlas. See the Municipal Clerk for a copy.
- Asked the engineer about correspondence from the County about the Matos Farm Pond Design Plan.

**PUBLIC COMMENTS** - None

**PUBLIC HEARING** – 2<sup>nd</sup> reading - None

**OLD BUSINESS**

- a. **RESOLUTION #2008-** : 2008-2009 Liquor License Renewal – Pattenburg House

Matter tabled - No Tax Clearance Certificate

- b. **Motion** – Cozze Bros, LLC; 2008 Junkyard License Renewal Application

Matter tabled until tires have been removed from the junkyard site.

## **NEW BUSINESS**

- a. The following resolution was introduced for adoption:

**RESOLUTION 2008-155**  
**Re: Toll Brothers, Inc.**  
**Block 11.01 Lot 2; Lookout Pointe**

**WHEREAS**, Toll Brothers, Inc., did post an excavation bond in the amount of \$500.00 for work performed at Block 11.01 Lot 2 in the Township, and

**WHEREAS**, the work and inspections are complete and the Certificate of Occupancy has been issued, and

**WHEREAS**, the construction department has requested that this bond now be released back to Toll Brothers, Inc.

**NOW, THEREFORE, BE IT RESOLVED**, that the excavation bond in the amount of \$500.00, be released to Toll Brothers Inv.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt above resolution. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- b. The following resolution was introduced for adoption:

**RESOLUTION #2008-156**  
**UNION TOWNSHIP, HUNTERDON COUNTY**  
**Administrative Assistant**  
**Patricia H. Essig**

**WHEREAS**, there is a need for an Administrative Assistant; and

**WHEREAS**, Patricia H. Essig is qualified and has expressed an interest in same;

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union to hire Patricia H. Essig as an Administrative Assistant, effective October 1, 2008, at the rate of \$18.00 per hour, not to exceed 19.5 hours per week and no pay increases until January 2011.

After a short discussion, Mr. Bischoff made a motion to adopt above resolution. Mr. Severino seconded the motion.

Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Nays: Mrs. Dziubek. Motion Carried.

- c. The following resolution was tabled:

**RESOLUTION 2008-  
Milligan Farm Performance Guarantee**

d. The following resolution was introduced for adoption:

**RESOLUTION #2008-157  
STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES  
ENABLING RESOLUTION  
PROJECT NO. 1025-02-075**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Union desires to further the public interest by obtaining a grant of \$1,682,527 from the State to fund the following project: "Local Unit, Open Space Master Plan" dated August, 2002, or amendments thereto, Project No. 1025-02-075.

NOW, THEREFORE, the governing body resolves that Frank T. Mazza or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above-named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Township Committee of the Township of Union, Hunterdon County, New Jersey:

1. That the Mayor of the above-named body is hereby authorized to execute an agreement and any amendment thereto with the State known as "Local Unit, Open Space Master Plan" dated August, 2002, or amendments thereto, Project No. 1025-02-075, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,682,527, and;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and;
5. That this resolution shall take effect immediately.

Atty. Jost briefly explained the amendment. After discussion, Mr. Bischoff made a motion to adopt above resolution. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

e. **Motion to Approve - Agreement** between the Land Conservancy of NJ and Township of Union to complete an update to Union Township's Farmland Preservation Plan.

After a brief discussion, Mrs. Dziubek made a motion to approve the above-mentioned Agreement. Mr. Severino seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

#### **NEW ORDINANCE – 1<sup>st</sup> Reading – None REPORTS**

a. **Engineer's Report** – a copy of the report has been submitted

- Final payment voucher for Van Syckel's Rd. had been submitted to the finance officer for processing.
- M & R work was completed the week of August 25, 2008.
- There is a road drainage problem at 23 Perryville Rd. After consulting with Road Dept. Foreman, Craig Hermann, the work could be done by the Rd. Dept. The cost to the Township would be about \$500.00.
- Need to discuss drainage problem on Van Syckel Corner Rd. and Coachmen Drive with Atty. Jost.
- Written request has been submitted by Grand Colonial Restaurant to remove three (3) large ash trees for safety reasons. Engineer Reymann said that he had informed the owner the trees could be removed.
- Scherer/ Connolly driveway is installed and meets the requirements of the permit.

b. **Attorney's Report** – Mr. Jost reported the following:

- Submitted a copy of the Shared Court Services Agreement between the Twp. of Union and the Twp. of Clinton to appropriate persons at the Superior Court for approval.
- Had matters for Executive Session.

c. **Mayor's Report** – Mr. Mazza reported the following

- Mayor Mazza appointed the following members to the Agriculture Advisory Committee Paige DiRoberto, Brian Kirkpatrick, Michael Mathews and Scott Eichlin. Atty. Jost will prepare an ordinance creating the Union Township Agriculture Committee for the next Committee Meeting. Mr. Bischoff noted that there has to be an odd number of members for voting purposes.

d. **Committee Report**

Mrs. Dziubek reported the following:

- COAH Subcommittee met last week. Proposals for Milligan project had been submitted and are being evaluated. The Township COAH plan is required to be resubmitted by December 31, 2008. The next meeting is scheduled for the week of October 6<sup>th</sup>. Recommendations will be made to the governing body after that meeting.

Mr. Bischoff reported the following:

- Had matters for Executive Session

Mr. Severino reported the following:

- Presented the Committee with three (3) proposals for single stream recycling program, which is comingling of most of recyclable materials. Following are the companies that submitted their proposals: Greenstar, Raritan Valley Disposal and Waste Management. Comparison chart of cost and services in three proposals, prepared by Mr. Severino, was discussed. Also discussed were staffing issues and increased time of operations of the Township's recycling center. Options of advertising the new time and services were considered.

**Mr. Bischoff made a motion to accept the bid proposal from Waste Management of NJ in the amount of \$225.00 per container pick up, with the \$40.00 rebate per ton of recycled material. There will be a one time delivery fee of \$150.00 for the two (2), 30-yard open containers. This motion is subject to the Attorney review of the actual contract. The Mayor and the Clerk are authorized to sign the contract for a period of six (6) months. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.**

Mr. Severino will work toward arranging smooth transition from the current recycling system to the new one.

**e. Clerk's Report**

- Raffle license #2008-20; Hunterdon County YMCA; On Premise 50/50 Cash, 11/21/08

Mrs. Dziubek made a motion to approve said raffle license. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

**PUBLIC COMMENTS**

Michele McBride, member of the UT Environmental Commission reported the following:

- Ms. McBride said that at this time it is uncertain if UTEC could raise enough funds to produce another issue of a newsletter. Mr. Bischoff gave a contact name and a telephone number at IKARIA. He said the company has indicated to him that they would be able to help.
- Reported on the condition of the white house located on the Hoffman property. Ms. McBride articulated necessary repairs to the house before it could be considered as a rental property. She asked if repair cost could be considered in next year's budget.
- Brought back an issue of illegal truck parking. She said they leave trash along the roads. Recently tires were found on the bridge. Ms. McBride would like to see the Township issue fines for illegal parking. Mr. Bischoff stated that, some time ago, there was a position created for an enforcement officer. The position had never been filled. He added that there is no ordinance in the township's code to allow the enforcement. Mr. Bischoff said that shared court services with Clinton Twp. might help in dealing with the problem.  
Atty. Jost said that parking regulations are state regulations and it is not clear who would receive money paid in fines.  
Mr. Bischoff stressed the importance of looking into this issue and the need for enforcement.  
Atty. Jost will look into the issue.

**PAYMENT OF THE BILLS**

Mr. Severino moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

#### **EXECUTIVE SESSION**

The following resolution was introduced for adoption:

#### **RESOLUTION #2008-158**

#### **Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

7. \_\_\_\_\_ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in public session on October 1, 2008, at 8:42 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Severino made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At 9:01 pm, Mrs. Dziubek made a motion to come out of the Executive Session. Mr. Severino seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Mrs. Dziubek thanked and commented on the report regarding employees' continuing education requirements. She also asked the Committee to examine the report.

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, Mrs. Dziubek made a motion to adjourn. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:02 p.m.

Respectfully submitted,

Ella Malecki Ruta, RMC  
Municipal Clerk